

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant:</b>	McGowan <i>et al.</i>	<b>Conf. No.:</b>	2034
<b>Serial No.:</b>	10/632,072	<b>Art Unit:</b>	2152
<b>Filing Date:</b>	07/31/2003	<b>Examiner:</b>	Whipple, Brian P.
<b>Title:</b>	METHOD, SYSTEM AND PROGRAM PRODUCT FOR PRESERVING AND RESTORING MOBILE DEVICE USER SETTINGS	<b>Docket No.:</b>	RSW920030088US1 (IBMR-0038)

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**BRIEF OF APPELLANTS**

This is an appeal from the Final Rejection dated October 11, 2007, rejecting claims 1-33. This Brief is accompanied by the requisite fee set forth in 37 C.F.R. 1.17 (c).

**REAL PARTY IN INTEREST**

International Business Machines Corporation is the real party in interest.

**RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences.

## **STATUS OF CLAIMS**

As filed, this case included claims 1-40. Claims 1-40 remain pending. Claims 1-40 stand rejected and form the basis of this appeal.

## **STATUS OF AMENDMENTS**

No amendment has been submitted in response to the After Final Rejection filed by the Office on October 11, 2007.

## **SUMMARY OF THE CLAIMED SUBJECT MATTER**

Under the present invention, an enterprise application and corresponding client properties file is provided on a mobile device. Upon initiation of the mobile device, the client properties file is read into application memory. The user can then make modifications to the client properties file to change the user settings as he/she desires. If an updated properties file is later received from the server, it is reconciled with the client properties file. Thus, the user's modifications are not discarded or overwritten. In addition, the reconciled properties file could be synchronized to the server so that if the mobile device is lost or fails, the user's settings can be restored.

Claim 1 claims a method for preserving hand-held mobile device user settings, comprising: initiating an enterprise application on a mobile device (see e.g., paras. 0022, 0028, 0032; Fig. 1, element 30), and reading a client properties file from a device memory of the mobile device into an application memory (see e.g., para. 0028, Fig. 1, element 37); receiving an updated properties file from a server in the device memory (see e.g., para. 0032; Fig. 1, element 42); comparing time values of the updated properties file to time values of the client properties

file in the application memory to determine whether the client properties have been changed by a user (see e.g., para. 0033; Fig. 3, element 54); reconciling, based on the comparison, the client properties file and the updated properties file to yield a reconciled properties file (see e.g., para. 0033; Fig. 3, element 56); and writing the reconciled properties file to the device memory (see e.g., para. 0033; Fig. 3, element 58).

Claim 7 claims a method for preserving hand-held mobile device user settings, comprising: initiating an enterprise application on a mobile device (see e.g., paras. 0022, 0028, 0032; Fig. 1, element 30), and reading a client properties file from a client database of the mobile device into an application memory (see e.g., para. 0028, Fig. 1, element 37); receiving an updated properties file from a server database to a device memory of the mobile device (see e.g., para. 0032; Fig. 1, element 42); reconciling the updated properties file with the client properties file in the client database to yield a reconciled properties file to retain changes made to the client properties file by a user (see e.g., para. 0037; Fig. 3, element 56); replacing the client properties file in the client database with the reconciled properties file (see e.g., para. 0037; Fig. 3, element 58); and synchronizing the reconciled properties file to the server database (see e.g., para. 0038; Fig. 3, element 60).

Claim 15 claims a system for preserving hand-held mobile device user settings, comprising: a file reading system for reading a properties file corresponding to an enterprise application initiated on a mobile device into an application memory (see e.g., para. 0028, Fig. 1, element 37); a file request system for requesting and receiving an updated properties file from a server to a device memory of the mobile device (see e.g., para. 0032; Fig. 1, element 42); a time value system for comparing time values of the updated properties file to time values of the client properties file to determine whether the client properties have been changed by a user (see e.g.,

para. 0033; Fig. 3, element 54); a reconciliation system for reconciling the updated properties file with the client properties file to yield a reconciled properties file based on the comparison (see e.g., para. 0033; Fig. 3, element 56); and a file write system for writing the reconciled properties file to the device memory (see e.g., para. 0033; Fig. 3, element 58).

Claim 22 claims a system for preserving hand-held mobile device user settings, comprising: a file reading system for reading a properties file corresponding to an enterprise application initiated on a mobile device from a client database into an application memory (see e.g., para. 0028, Fig. 1, element 37); a file request system for requesting and receiving an updated properties file from a server database to a device memory of the mobile device (see e.g., para. 0032; Fig. 1, element 42); a reconciliation system for reconciling the updated properties file with the client properties file in the client database to yield a reconciled properties file that retains changes made to the client properties file made by a user (see e.g., para. 0037; Fig. 3, element 56); a file write system for replacing the client properties file in the client database with the reconciled properties file (see e.g., para. 0037; Fig. 3, element 58); and a synchronization system for synchronizing the reconciled properties file to the server database (see e.g., para. 0038; Fig. 3, element 60).

Claim 28 claims a program product stored on a recordable medium for preserving hand-held mobile device user settings, which when executed, comprises: program code for reading a properties file corresponding to an enterprise application initiated on a mobile device into an application memory (see e.g., para. 0028, Fig. 1, element 37); program code for requesting and receiving an updated properties file from a server to a device memory of the mobile device (see e.g., para. 0032; Fig. 1, element 42); program code for comparing time values of the updated properties file to time values of the client properties file to determine whether the client

properties have been changed by a user (see e.g., para. 0033; Fig. 3, element 54); program code for reconciling the updated properties file with the client properties file to yield a reconciled properties file based on the comparison (see e.g., para. 0033; Fig. 3, element 56); and program code for writing the reconciled properties file to the device memory (see e.g., para. 0033; Fig. 3, element 58).

Claim 35 claims a program product stored on a recordable medium for preserving handheld mobile device user settings, which when executed, comprises: program code for reading a properties file corresponding to an enterprise application initiated on a mobile device from a client database into an application memory (see e.g., para. 0028, Fig. 1, element 37); program code for requesting and receiving an updated properties file from a server database to a device memory of the mobile device (see e.g., para. 0032; Fig. 1, element 42); program code for reconciling the updated properties file with the client properties file in the client database to yield a reconciled properties file such that changes made to the client properties file made by a user are retained (see e.g., para. 0037; Fig. 3, element 56); program code for replacing the client properties file in the client database with the reconciled properties file (see e.g., para. 0037; Fig. 3, element 58); and program code for synchronizing the reconciled properties file to the server database (see e.g., para. 0038; Fig. 3, element 60).

#### **GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

1. Claims 1-5, 7-13, 15-17, 20-26, 28-31 and 33-39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lenz (U.S. Patent No. 6,029,196), hereafter “Lenz,” in view of Official Notice.
2. Claims 6, 19 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lenz

in view of Parkman (U.S. Patent Pub. No. 2003/0046375), hereafter “Parkman.”

3. Claims 14, 27 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lenz in view of Hesse (U.S. Patent No. 5,950,010), hereafter “Hesse.”

## ARGUMENT

### **1. REJECTION OF CLAIMS 1-5, 7-13, 15-17, 20-26, 28-31 AND 33-39 UNDER 35 U.S.C. §103(a) OVER LENZ IN VIEW OF OFFICIAL NOTICE**

Appellants respectfully submit that the rejection of claims 1-5, 7-13, 15-17, 20-26, 28-31 and 33-39 under 35 U.S.C. 103(a) over Lenz in view of Official Notice is defective.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Appellants respectfully submit that the Benson and Mooney references, taken alone or in combination, fail to meet each of the three basic criteria required to establish a *prima facie* case of obviousness. As such, the rejection under 35 U.S.C. §103(a) is defective.

In the above referenced Final Office Action, the Examiner alleges that the cited references teach or suggest a hand-held mobile device. The Office admits that Lenz does not teach this feature, but instead relies on Official Notice that is based on an alleged knowledge of mobile devices at the time Lenz was invented. In doing so, the Office states that it has given no weight to the words “hand held” because they are located in the preamble and indicates its belief that the KSR opinion abolished the need for a teaching suggestion or motivation to combine

references. With regard to the Office's conclusions regarding *KSR*, *KSR*, while modifying the test for determining whether references are combinable, states that "A patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art." *KSR v. Teleflex*, 550 U. S. \_\_\_\_ (2007). As such, the Office's use of the unrelated references of Lenz and Official notice is inappropriate absent some motivation for combining the reasons.

Further, the Office's argument that the limitation "hand-held mobile device" not be given its full weight is in error. Elements of the claim are not to be ignored simply because they are in the preamble.

Still further, the Office's factual assertion is not properly based upon common knowledge. For example, Applicants assert there are many operations that a normal computer system may be able to perform operations that a hand-held mobile device may not, due to the limitations brought on by the size and portability of the hand-held mobile device. Thus, a hand-held mobile device that performs the functions of the claimed invention is not obvious to one skilled in the art as asserted by the Office.

In the above referenced Final Office Action, the Examiner alleges that the cited references teach or suggest comparing time values of the updated properties file to time values of the client properties file in the application memory to determine whether the client properties have been changed by a user. The Office cites a passage of Lenz that describes comparing versions of particular software. However, the Office's equating of the comparison of versions in Lenz with the time information is flawed. This is because a version of particular software may be completely independent of the time in which it was created. For example, a particular software may not have specific version designations, in which case the comparison of Lenz

would be worthless. Furthermore, an application that has a specific version designation may undergo changes, e.g., hot fixes, within a particular version. On the other hand, checking for time values may indicate that a file has changed even if its version, if any, remains the same and is thus, independent of version.

Furthermore, the comparison of Lenz is not done to determine whether client properties have been changed by a user. Rather, Lenz is only concerned with whether the latest version of the software has been pushed from the server to the client and not with changes in client properties. In contrast, the claimed invention includes "...comparing time values of the updated properties file to time values of the client properties file in the application memory to determine whether the client properties have been changed by a user." Claim 1. As such, the comparing of the claimed invention is not merely of version numbers to determine whether software needs to be replaced with an updated version as in Lenz, but rather time values of the updated properties file are compared to time values of the client properties file to determine whether the client properties have been changed by a user. For the above reasons, the version number comparison of Lenz does not teach or suggest the comparing of time values of the claimed invention.

In the above referenced Final Office Action, the Examiner alleges that the cited references teach or suggest reconciling the updated properties file with the client properties file in the client database to yield a reconciled properties file to retain changes made to the client properties file by a user. As stated above, the goal of Lenz is to make sure that the most current version of the server software is pushed from the server to the client. To this extent, Lenz does not take into consideration whether the client properties file has been changed by the user. As such, Lenz does not attempt to retain such changes to the client properties file, but rather, simply overwrites them with the newest version. The claimed invention, in contrast, includes

“...reconciling the updated properties file with the client properties file in the client database to yield a reconciled properties file to retain changes made to the client properties file by a user.”

Claim 8. As such, the reconciling in the claimed invention is done in such a way that changes made to the client properties file by a user are retained and does not merely blindly replace one version with another as does Lenz. Thus, the reconciling of the claimed invention is not taught or suggested by the version replacement of Lenz.

**2. REJECTION OF CLAIMS 6, 19 AND 32 UNDER 35 U.S.C. §103(a) OVER LENZ IN VIEW OF PARKMAN**

Appellants incorporate the above enumerated arguments.

**3. REJECTION OF CLAIMS 14, 27 AND 40 UNDER 35 U.S.C. §103(a) OVER LENZ IN VIEW OF HESSE**

Appellants incorporate the above enumerated arguments.

## CONCLUSION

In summary, Appellants submit that claims 1-40 are allowable because the cited references, taken alone or in combination, fail to meet each of the three basic criteria required to establish a *prima facie* case of obviousness.

Respectfully submitted,

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## CLAIMS APPENDIX

### Claim Listing:

1. A method for preserving hand-held mobile device user settings, comprising:
  - initiating an enterprise application on a mobile device, and reading a client properties file from a device memory of the mobile device into an application memory;
  - receiving an updated properties file from a server in the device memory;
  - comparing time values of the updated properties file to time values of the client properties file in the application memory to determine whether the client properties have been changed by a user;
  - reconciling, based on the comparison, the client properties file and the updated properties file to yield a reconciled properties file; and
  - writing the reconciled properties file to the device memory.
2. The method of claim 1, further comprising modifying the client properties file prior to receiving the updated properties file, wherein time values of the updated properties file are compared to time values of the modified client properties file, and wherein the modified client properties file is reconciled with the updated properties file to yield the reconciled properties file.
3. The method of claim 1, further comprising requesting the updated properties file from the server prior to the receiving step.
4. The method of claim 1, wherein the device memory is selected from the group consisting of a disk, a memory stick and random access memory.

5. The method of claim 1, wherein the client properties file and the updated properties file each contain a configuration of the enterprise application, and wherein the client properties file further contains the mobile device user settings.
6. The method of claim 1, wherein the comparing step comprises comparing a date of the updated properties file to a date of the client properties file.
7. The method of claim 1, wherein the reconciling step comprises reconciling the updated properties file and the client properties file to yield the reconciled properties file if the time values of the updated properties file are different than the time values of the client properties file.
8. A method for preserving hand-held mobile device user settings, comprising:
  - initiating an enterprise application on a mobile device, and reading a client properties file from a client database of the mobile device into an application memory;
  - receiving an updated properties file from a server database to a device memory of the mobile device;
  - reconciling the updated properties file with the client properties file in the client database to yield a reconciled properties file to retain changes made to the client properties file by a user;
  - replacing the client properties file in the client database with the reconciled properties file; and
  - synchronizing the reconciled properties file to the server database.

9. The method of claim 8, further comprising modifying mobile device user settings of the reconciled properties file on the mobile device, wherein the synchronizing step comprises synchronizing the modified reconciled properties file to the server database.

10. The method of claim 8, wherein the reading step comprises:

determining if the client properties file is in the client database;

reading the client properties file from the device memory if the client properties file is not in the client database;

copying the client properties file to the client database; and

deleting the client properties file from the device memory after the copying step.

11. The method of claim 8, wherein the updated properties file is reconciled with another properties file prior to being received on the mobile device.

12. The method of claim 8, wherein the device memory is selected from the group consisting of a disk, a memory stick and random access memory.

13. The method of claim 8, further comprising requesting the updated properties file from the server database prior to the receiving step.

14. The method of claim 8, wherein the client database and the server database are DB2 databases.

15. A system for preserving hand-held mobile device user settings, comprising:

- a file reading system for reading a properties file corresponding to an enterprise application initiated on a mobile device into an application memory;
- a file request system for requesting and receiving an updated properties file from a server to a device memory of the mobile device;
- a time value system for comparing time values of the updated properties file to time values of the client properties file to determine whether the client properties have been changed by a user;
- a reconciliation system for reconciling the updated properties file with the client properties file to yield a reconciled properties file based on the comparison; and
- a file write system for writing the reconciled properties file to the device memory.

16. The system of claim 15, further comprising a configuration system for modifying the client properties file, wherein time values of the updated properties file are compared to time values of the modified client properties file, and wherein the modified client properties file is reconciled with the updated properties file to yield the reconciled properties file.

17. The system of claim 15, wherein the device memory is selected from the group consisting of a disk, a memory stick and random access memory.

18. The system of claim 15, wherein the client properties file and the updated properties file each contain a configuration of the enterprise application, and wherein the client properties file further contains the mobile device user settings.

19. The system of claim 15, wherein the time value system compares a date of the updated properties file to a date of the client properties file.
20. The system of claim 15, wherein the reconciliation system reconciles the updated properties file and the client properties file in the application memory to yield a reconciled properties file if the time values of the updated properties file are different than the time values of the client properties file.
21. The system of claim 15, wherein the file write system replaces the updated client file in the device memory with the reconciled properties file.
22. A system for preserving hand-held mobile device user settings, comprising:
  - a file reading system for reading a properties file corresponding to an enterprise application initiated on a mobile device from a client database into an application memory;
  - a file request system for requesting and receiving an updated properties file from a server database to a device memory of the mobile device;
  - a reconciliation system for reconciling the updated properties file with the client properties file in the client database to yield a reconciled properties file that retains changes made to the client properties file made by a user;
  - a file write system for replacing the client properties file in the client database with the reconciled properties file; and

a synchronization system for synchronizing the reconciled properties file to the server database.

23. The system of claim 22, further comprising a configuration system for modifying mobile device user settings of the reconciled properties file on the mobile device, wherein the synchronization system synchronizes the modified reconciled properties file to the server database.

24. The system of claim 22, wherein the file reading system:

- determines if the client properties file is in the client database;
- reads the client properties file from the device memory if the client properties file is not in the client database;
- copies the client properties file to the client database; and
- deletes the client properties file from the device memory after the copying step.

25. The system of claim 22, wherein the updated properties file is reconciled with another properties file prior to being received on the mobile device.

26. The system of claim 22, wherein the device memory is selected from the group consisting of a disk, a memory stick and random access memory.

27. The system of claim 22, wherein the client database and the server database are DB2 databases.

28. A program product stored on a recordable medium for preserving hand-held mobile device user settings, which when executed, comprises:

program code for reading a properties file corresponding to an enterprise application initiated on a mobile device into an application memory;

program code for requesting and receiving an updated properties file from a server to a device memory of the mobile device;

program code for comparing time values of the updated properties file to time values of the client properties file to determine whether the client properties have been changed by a user;

program code for reconciling the updated properties file with the client properties file to yield a reconciled properties file based on the comparison; and

program code for writing the reconciled properties file to the device memory.

29. The program product of claim 28, further comprising program code for modifying the client properties file, wherein time values of the updated properties file are compared to time values of the modified client properties file, and wherein the modified client properties file is reconciled with the updated properties file to yield the reconciled properties file.

30. The program product of claim 28, wherein the device memory is selected from the group consisting of a disk, a memory stick and random access memory.

31. The program product claim 28, wherein the client properties file and the updated properties file each contain a configuration of the enterprise application, and wherein the client properties file further contains the mobile device user settings.
32. The program product of claim 28, wherein the program code for comparing time values compares a date of the updated properties file to a date of the client properties file.
33. The program product of claim 28, wherein the program code for reconciling reconciles the updated properties file and the client properties file in the application memory to yield a reconciled properties file if the time values of the updated properties file are different than the time values of the client properties file.
34. The program product of claim 28, wherein the program code for writing replaces the updated client file in the device memory with the reconciled properties file.
35. A program product stored on a recordable medium for preserving hand-held mobile device user settings, which when executed, comprises:
  - program code for reading a properties file corresponding to an enterprise application initiated on a mobile device from a client database into an application memory;
  - program code for requesting and receiving an updated properties file from a server database to a device memory of the mobile device;

program code for reconciling the updated properties file with the client properties file in the client database to yield a reconciled properties file such that changes made to the client properties file made by a user are retained;

program code for replacing the client properties file in the client database with the reconciled properties file; and

program code for synchronizing the reconciled properties file to the server database.

36. The program product of claim 35, further comprising program code for modifying mobile device user settings of the reconciled properties file on the mobile device, wherein the program code for synchronizing synchronizes the modified reconciled properties file to the server database.

37. The program product of claim 35, wherein the program code for reading:

determines if the client properties file is in the client database;

reads the client properties file from the device memory if the client properties file is not in the client database;

copies the client properties file to the client database; and

deletes the client properties file from the device memory after the copying step.

38. The program product of claim 35, wherein the updated properties file is reconciled with another properties file prior to being received on the mobile device.

39. The program product of claim 35, wherein the device memory is selected from the group consisting of a disk, a memory stick and random access memory.

40. The program product of claim 35, wherein the client database and the server database are DB2 databases.

## **EVIDENCE APPENDIX**

No evidence is entered and relied upon in the appeal.

## **RELATED PROCEEDINGS APPENDIX**

No decisions rendered by a court or the Board in any proceeding are identified in the related appeals and interferences section.